

**REPORT
OF THE
INTERNATIONAL COURT
OF JUSTICE**

1 August 1978-31 July 1979

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 4 (A/34/4)



UNITED NATIONS

New York, 1979

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

CONTENTS

	<i>Page</i>
I. COMPOSITION OF THE COURT	1
II. JURISDICTION OF THE COURT	1
A. Jurisdiction of the Court in contentious cases	1
B. Jurisdiction of the Court in advisory proceedings	1
III. JUDICIAL WORK OF THE COURT	2
A. Aegean Sea Continental Shelf	2
B. Continental Shelf (Tunisian/Libyan Arab Jamahiriya)	2
IV. ADMINISTRATIVE QUESTIONS	2
V. PUBLICATIONS AND DOCUMENTS OF THE COURT	3

I. COMPOSITION OF THE COURT

1. From 1 August 1978 to 5 February 1979 the composition of the Court was as follows: President E. Jiménez de Aréchaga; Vice-President Nagendra Singh; Judges I. Forster, A. Gros, M. Lachs, H. C. Dillard, L. Ignacio-Pinto, F. de Castro, P. D. Morozov, Sir Humphrey Waldock, J. M. Ruda, H. Mosler, T. O. Elias, S. Tarazi and S. Oda.

2. On 31 October 1978 the General Assembly and the Security Council re-elected P. D. Morozov and elected R. Ago, A. E.-Erian, J. Sette-Camara and R. Baxter to be Members of the Court for a period of nine years beginning 6 February 1979. The new judges made the solemn declaration provided for in Article 20 of the Statute at a public sitting of the Court on 2 March 1979.

3. On 23 February 1979 the Court elected Judge Sir Humphrey Waldock and Judge Elias to be respectively its President and Vice-President for a period of three years.

4. The present composition of the Court is as follows: President Sir Humphrey Waldock; Vice-President T. O. Elias; Judges I. Forster, A. Gros, M. Lachs, P. D. Morozov, Nagendra Singh, J. M. Ruda, H. Mosler, S. Tarazi, S. Oda, R. Ago, A. El-Erian, J. Sette-Camara and R. Baxter.

5. In accordance with Article 29 of the Statute, the Court forms annually a chamber of summary procedure. On 26 February 1979 this chamber was constituted as follows:

Members:

President Waldock; Vice-President Elias; Judges Morozov, Nagendra Singh and Tarazi.

Substitute Members:

Judges Oda and Sette-Camara.

6. The Registrar of the Court is Mr. S. Aquarone and its Deputy-Registrar Mr. A. Pillepich.

II. JURISDICTION OF THE COURT

A. JURISDICTION OF THE COURT IN CONTENTIOUS CASES

7. On 31 July 1979 the 151 Member States of the United Nations, together with Liechtenstein, San Marino and Switzerland, were parties to the Statute of the Court.

8. The Permanent Representative of El Salvador to the United Nations has informed the Secretary-General that the declaration of 26 November 1973 deposited on behalf of El Salvador under Article 36, paragraph 2, of the Statute and effective for five years is extended for ten years as from 26 November 1978.

9. There are thus now 45 States which recognize (many of them with reservations) the jurisdiction of the Court as compulsory in accordance with declarations filed under Article 36, paragraph 2, of the Statute. They are: Australia, Austria, Belgium, Botswana, Canada, Colombia, Costa Rica, Democratic Kampuchea, Denmark, Dominican Republic, Egypt, El Salvador, Finland, Gambia, Haiti, Honduras, India, Israel, Japan, Kenya, Liberia, Liechtenstein, Luxembourg, Malawi, Malta, Mauritius, Mexico, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Philippines, Portugal, Somalia, Sudan, Swaziland, Sweden, Switzerland, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay. The texts of the declarations filed by these States appear in section II of chapter IV of the *I.C.J. Yearbook 1978-1979*.

10. Since 1 August 1978, one treaty providing for the jurisdiction of the Court in contentious cases and registered with the Secretariat of the United Nations has been brought to the knowledge of the Court:

the Treaty of Amity, Commerce and Navigation of 9 December 1960 between Japan and the Philippines.

11. Lists of treaties and conventions in force which provide for the jurisdiction of the Court appear in section III of chapter IV of the *I.C.J. Yearbook 1978-1979*. In addition, the jurisdiction of the Court extends to treaties or conventions in force providing for reference to the Permanent Court of International Justice (Statute, Art. 37).

P. JURISDICTION OF THE COURT IN ADVISORY PROCEEDINGS

12. The following organizations are at present authorized to request advisory opinions of the Court on legal questions:

United Nations (General Assembly, Security Council, Economic and Social Council, Trusteeship Council, Interim Committee of the General Assembly, Committee on Applications for Review of Administrative Tribunal Judgements);

International Labour Organisation;

Food and Agriculture Organization of the United Nations;

United Nations Educational, Scientific and Cultural Organization;

World Health Organization;

International Bank for Reconstruction and Development;

International Finance Corporation;

International Development Association;

International Monetary Fund;

International Civil Aviation Organization;
International Telecommunication Union;
World Meteorological Organization;
Inter-Governmental Maritime-Consultative Organization;
World Intellectual Property Organization;

International Fund for Agricultural Development;
International Atomic Energy Agency.

13. The international instruments which make provision for the advisory jurisdiction of the Court are listed in section I chapter IV of the *I.C.J. Yearbook 1978-1979*.

III. JUDICIAL WORK OF THE COURT

14. During the period under review the Court held 9 public sittings and 23 private meetings. It delivered a Judgment in the *Aegean Sea Continental Shelf* case and made an Order in the case concerning the *Continental Shelf (Tunisia/Libyan Arab Jamahiriya)*.

A. AEGEAN SEA CONTINENTAL SHELF

15. On 10 August 1976 the Government of Greece filed an Application instituting proceedings against Turkey, and a request for the indication of interim measures of protection, in respect of a dispute concerning the *Aegean Sea Continental Shelf*. On 26 August 1976 the Registrar of the Court received from the Turkish Ministry of Foreign Affairs a letter expressing the view that the Greek Application was premature, that the request for interim measures should be rejected and that, in view of lack of jurisdiction, the case should be removed from the list. On 11 September 1976 the Court made an Order finding that the circumstances were not such as to require the exercise of its power to indicate interim measures of protection and that it would be necessary to resolve as the next step the question of its jurisdiction. By an Order of 14 October 1976 the President fixed time-limits for the filing of written pleadings on that question. The dates so fixed were at the request of the Greek Government extended by an Order of 18 April 1977, having regard to negotiations between the two States concerned, and the Greek Government filed its Memorial on jurisdiction within the time-limit as thus extended (18 July 1977).

16. The Government of Turkey did not file any Counter-Memorial within the extended time-limit of 24 April 1978 appointed for it, but on that date the Registrar received a letter in which the Ambassador of Turkey in The Hague informed the Court that his Government, considered the Court to lack jurisdiction, did not intend to appoint an agent or submit a Counter-Memorial.

17. Having regard to requests made by the Government of Greece, the Court fixed 4 October 1978

as the date for the beginning of hearings on the question of its jurisdiction and subsequently deferred their opening to 9 October 1978.

18. From 9 to 17 October 1978 the Court held seven public sittings at which oral arguments were presented on behalf of the Government of Greece. The Turkish Government was not represented at these hearings.

19. On 19 December 1978 the Court delivered a Judgment finding, by 12 votes to 2, that it was without jurisdiction to entertain the Application filed by Greece on 10 August 1976 (*I.C.J. Reports 1978*, p. 3).

B. CONTINENTAL SHELF (TUNISIA/LIBYAN ARAB JAMAHIRIYA)

20. On 1 December 1978 the Government of Tunisia notified to the Registrar of the Court a Special Agreement, drawn up in Arabic between Tunisia and the Libyan Arab Jamahiriya on 10 June 1977, which had come into force on the date of exchange of instruments of ratification, namely, 27 February 1978. A certified French translation of the Agreement was attached.

21. The Special Agreement provides for the reference to the Court of a dispute between Tunisia and the Libyan Arab Jamahiriya concerning the delimitation of the continental shelf between them. *Inter alia*, it provides for Memorials to be filed by both parties within 18 months.

22. On 19 February 1979 the Government of the Libyan Arab Jamahiriya likewise communicated to the Registry a copy in Arabic of the Special Agreement, together with a certified English translation.

23. Taking into account the agreement between the two States on the time-limits for the filing of the written pleadings, the Vice-President of the Court, by an Order of 20 February 1979, fixed 30 May 1980 as the time-limit for the filing of Memorials by both Parties (*I.C.J. Reports 1979*, p. 3).

IV. ADMINISTRATIVE QUESTIONS

24. In the course of work on the revision of its Rules (completed in 1978: see previous report, pp. 2 f.) the Court had occasion to note the desirability of reviewing the Staff Regulations for the Registry, dating from 1947. Accordingly it has considered and approved new Regulations applicable to the members

of the staff. They have been reproduced in the *I.C.J. Yearbook 1978-1979*.

25. The Registry is undertaking, at the direction of the President and under the supervision of the Rules Committee, a full analytical study of the Court's past practice in regard to the application of its Statute and Rules.

V. PUBLICATIONS AND DOCUMENTS OF THE COURT

26. The publications of the Court are distributed to the Governments of all States entitled to appear before the Court and the major law libraries of the world. The sale of the Court's publications is organized by the Sales Sections of the United Nations Secretariat, which are in touch with specialized booksellers and distributors throughout the world. A catalogue (latest edition: 1975) is, with its annual addenda, distributed free of charge.

27. The publications of the Court include three annual series: *Reports of Judgments, Advisory Opinions and Orders*, a *Bibliography of works and documents relating to the Court*, and a *Yearbook*. The most recent publications in the first two series are *I.C.J. Reports 1978* and *I.C.J. Bibliography No. 32*.

28. The documentation of each case is published by the Court after the end of the proceedings, under the title *Pleadings, Oral Arguments, Documents*. However, even before the termination of a case, the Court

may, after ascertaining the views of the parties, make the pleadings and documents available on request to the Government of any State entitled to appear before the Court; the Court may also, after ascertaining the views of the parties, make them accessible to the public on or after the opening of the oral proceedings.

29. The Court distributes press communiqués, background notes and a handbook to keep lawyers, university teachers and students, government officials, the press and the general public informed about its work, functions and jurisdiction.

30. More comprehensive information on the work of the Court during the period under review is contained in the *I.C.J. Yearbook 1978-1979*, published concurrently with the issue of the present report.

(Signed) Humphrey WALDOCK
President of the International Court of Justice

The Hague, 1 August 1979

كيفية الحصول على منشورات الأمم المتحدة
يمكن الحصول على منشورات الأمم المتحدة من المكتبات ودور التوزيع في جميع أنحاء العالم. استلم عنها من المكتبة التي تتعامل معها
أو اكتب إلى : الأمم المتحدة ، قسم البيع في نيويورك أو في جنيف .

如何购取联合国出版物

联合国出版物在全世界各地的书店和经营处均有发售。请向书店询问或写信到纽约或日内瓦的联合国销售组。

HOW TO OBTAIN UNITED NATIONS PUBLICATIONS

United Nations publications may be obtained from bookstores and distributors throughout the world. Consult your bookstore or write to: United Nations, Sales Section, New York or Geneva.

COMMENT SE PROCURER LES PUBLICATIONS DES NATIONS UNIES

Les publications des Nations Unies sont en vente dans les librairies et les agences dépositaires du monde entier. Informez-vous auprès de votre libraire ou adressez-vous à : Nations Unies, Section des ventes, New York ou Genève.

КАК ПОЛУЧИТЬ ИЗДАНИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ

Издания Организации Объединенных Наций можно купить в книжных магазинах и агентствах во всех районах мира. Наводите справки об изданиях в вашем книжном магазине или пишите по адресу: Организация Объединенных Наций, Секция по продаже изданий, Нью-Йорк или Женева.

COMO CONSEGUIR PUBLICACIONES DE LAS NACIONES UNIDAS

Las publicaciones de las Naciones Unidas están en venta en librerías y casas distribuidoras en todas partes del mundo. Consulte a su librero o diríjase a: Naciones Unidas, Sección de Ventas, Nueva York o Ginebra.
